

Resolution

No. 03-39

URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE SAFE DRINKING WATER BRANCH OF THE DEPARTMENT OF HEALTH, STATE OF HAWAII, TO ALLOW THE MAUI COUNTY DEPARTMENT OF WATER SUPPLY TO WORK WITH THE MAUI UPCOUNTRY COMMUNITY TO ADOPT A PLAN TO REMOVE LEAD FROM CUSTOMERS' HOMES

WHEREAS, the Upcountry Maui region is the largest area in the State of Hawaii that relies almost completely on surface water; and

WHEREAS, the unique geology and hydrology of the East Maui watershed and its surface water, which is characterized as soft, with a low pH and very low alkalinity, make the water unique and different from other source waters in the State of Hawaii; and

WHEREAS, unlike the rest of Maui County's potable water which is either ground or partial groundwater, the Upcountry region's surface water lacks the minerals that form a natural protective coating in pipes which results in higher levels of lead leaching into the water; and

WHEREAS, the Lead & Copper Rule of the United States' Environmental Protection Agency requires that a water utility treat water if the lead action level of 15 parts per billion is exceeded in more than 10 percent of the samples taken; and

WHEREAS, the Makawao, Upper and Lower Kula water systems of the Upcountry Maui region have been out of compliance despite attempts to control lead levels through the addition of various anti-corrosion additives; and

WHEREAS, it is well-established that lead poisoning is a serious problem that can cause permanent health damage, including mental retardation, learning and behavior problems, high blood pressure, damage to the brain, nervous system, kidneys, and red blood cells, as well as coma and death in severe cases; and

WHEREAS, young children, infants and unborn babies are much more vulnerable and sensitive to lead, and in many cases by the time symptoms appear the lead has already caused permanent damage; and

WHEREAS, the State's 1997 "Childhood Lead Poisoning" screening program tested 149 children in the Upcountry Maui region resulting in 10 positive readings or 6.7% of the samples; and

WHEREAS, according to the 2000 U.S. Census, there are approximately 6,642 children under the age of 14 years in the Haiku, Makawao, and Kula areas of the Upcountry Maui region, and if the 6.7% sampling result of the 1997 "Childhood Lead Poisoning" screening program is applied to this total, there are potentially 445 children under the age of 14 years with elevated blood lead levels in this area, and

WHEREAS, according to the Maternal and Child Health Coordinator of the State Department of Health, Maui District Office, there is a tremendous need for increased blood lead testing of children in the Upcountry Maui region; and

WHEREAS, the alternatives as required by the Lead and Copper Rule, 40 Code of Federal Regulations Ch.1 Section 141.82 may soon become exhausted for the Upcountry Maui surface water system based upon the following:

1. The County of Maui, Department of Water Supply, has tried various corrosion control techniques with limited success to make water less corrosive through a flushing program and by making adjustments to pH and alkalinity by adding soda ash, lime, silicates, caustic soda, and Calgon C-9 zinc orthophosphate; and
2. The County of Maui, Department of Water Supply's last round of lead and copper testing in December of 2002 exceeded the action levels in both the Upper Kula and Lower Kula water systems despite the most recent addition of a Calgon C-9 zinc orthophosphate corrosion inhibitor indicating that this chemical may not be effective in controlling lead leaching; and
3. After introducing Calgon C-9 zinc orthophosphate into the water at least 95 customers have complained of a range of health ailments which they believe is caused by the chemical including, but not limited to, skin irritation and respiratory distress; and

WHEREAS, the "source water treatment requirements" as required by the Lead and Copper Rule, 40 CFR Ch.1 Sections 141.80 and 141.83 cannot be applied since practical and economical alternate sources of water are not available for the Upcountry Maui surface water supply; and

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WHEREAS, the "lead service line replacement requirements" as set forth in the Lead and Copper Rule, 40 CFR Ch.1 Sections 141.80 and 141.83 do not apply to the Upcountry Maui water system for the following reasons:

1. There is no lead detected in the County of Maui, Department of Water Supply water system; and
2. The suspected source of lead in the water is due to the leaching of lead from pipes and fixtures owned by the homeowner and not the County of Maui; and

WHEREAS, the County of Maui, Department of Water Supply, the State of Hawaii, Department of Health, Maui District Office, and the Upcountry Maui community appear willing to work together on lead removal and lead education; and

WHEREAS, according to the 2000 U.S. Census, out of the 11,600 total homes in the Upcountry Maui region, only a portion of the homes built between 1980 and 1989 - or more specifically no more than 3,359 homes - are expected to have lead plumbing; and

WHEREAS, water suppliers in other parts of the United States, such as the city of Madison, Wisconsin, have successfully worked with their state primacy agency and the EPA to come up with a solution to comply with the Lead & Copper Rule without the use of corrosion control chemicals; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby urges the United States Environmental Protection Agency and the State of Hawaii, Department of Health, Safe Drinking Water Branch, to allow the County of Maui, Department of Water Supply, to work together with the Upcountry Maui community to adopt a plan which considers and evaluates all possible alternatives in removing the dangers of lead from its water including safe anti-corrosives, community education, and the identification and removal of lead sources from home plumbing; and
2. That it hereby urges the State of Hawaii, Department of Health, Maui District Health Office to conduct voluntary "patch testing" on those residents of the Upcountry Maui region that have reported health reactions following the addition of Calgon C-9 zinc orthophosphate and phosphoric acid to the water to see if a causal link can be determined; and

3. That it hereby urges the State of Hawaii, Department of Health, to test children most at risk for lead; and
4. That it hereby urges the County of Maui, Department of Water Supply, to continue testing water samples from targeted customers' homes for lead; and
5. That it hereby urges the County of Maui, Department of Water Supply, to request funding from the revolving loan fund administered by the State of Hawaii, Department of Health, Safe Drinking Water Branch, in order to survey targeted sampling based on risk factors for lead in homes, encourage blood sampling of target populations and replace lead plumbing if necessary; and
6. That it urges the County of Maui, Department of Water Supply, to request funding from United States Environmental Protection Agency for assisting the County of Maui, Department of Water Supply, and the State of Hawaii, Department of Health, Maui District Office, to survey targeted sampling based on risk factors for lead in homes, encourage blood sampling of target populations and replace lead plumbing if necessary; and
7. That it hereby urges the County of Maui, Department of Water Supply, to continue working with the State of Hawaii, Department of Health, Maui District Office, and the community to educate the community on how to reduce exposure to lead; and
8. That certified copies of this resolution be transmitted to the United States Senator Daniel K. Inouye; United States Senator Daniel K. Akaka; United States Representative Neil Abercrombie; United States Representative Ed Case; the Governor of the State of Hawaii; the Mayors of the Counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu; the Director of the Department of Health of the State of Hawaii; the Director of the Environmental Protection Agency of the United States of America; the Chief of the Department of Health Environmental Management Division of the United States of America; the Speaker of the House of the State of Hawaii; the Senate President of the State of Hawaii; and the Maui County delegation to the state legislature.

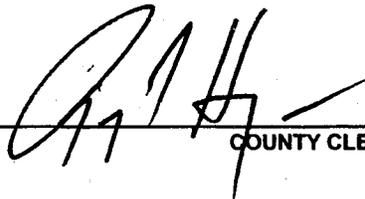
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 03-39 was adopted by the Council of the County of Maui, State of Hawaii, on the 4th day of April, 2003, by the following vote:

MEMBERS	Dain P. KANE Chair	Robert CARROLL Vice-Chair	G. Riki HOKAMA	Jo Anne JOHNSON	Dennis A. MATEO	Michael J. MOLINA	Wayne K. NISHIKI	Joseph PONTANILLA	Charmaine TAVARES
ROLL CALL	Aye	Excused	Aye	Aye	Aye	Aye	Excused	Aye	Aye



COUNTY CLERK